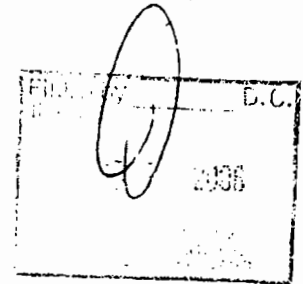


06-10919 **CR-KING** **MAGISTRATE JUDGE**
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. - GARDER

8 U.S.C. § 1324(a)(1)(A)(v)(I)
8 U.S.C. § 1324(a)(1)(A)(iv)
50 U.S.C. § 192
33 C.F.R. § 107.215(a)
33 C.F.R. § 107.230
18 U.S.C. § 2237(a)(1)
18 U.S.C. § 982(a)(6)(A)



UNITED STATES OF AMERICA

vs.

**YARIEL ITURRIAGA-VALDEZ,
HEYTER LANDIN-HERNANDEZ,
ARIEL FERNANDEZ ALONZO,
JORGE REYES GALINDO,
and
REYNALDO PEREZ-TOLEDO,**

Defendants.

INDICTMENT

The Grand Jury charges that:

COUNT 1

(Conspiracy to Encourage and Induce Aliens to Enter Illegally)

Beginning as early as November 30, 2005, and continuing through on or about April 27, 2006, the exact dates being unknown to the Grand Jury, in Monroe County, in the Southern District of Florida, on the high seas and out of the jurisdiction of any particular State or district, and elsewhere, the defendants,

**YARIEL ITURRIAGA-VALDEZ,
HEYTER LANDIN-HERNANDEZ,
ARIEL FERNANDEZ ALONZO,
JORGE REYES GALINDO,**

[Handwritten signature]

and
REYNALDO PEREZ-TOLEDO,

knowingly and willfully combined, conspired, confederated, and agreed with each other and others known and unknown to the Grand Jury to commit offenses against the United States, that is, to encourage and induce aliens to come to and enter the United States, knowing and in reckless disregard of the fact that such coming to and entry would be in violation of law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv).

Overt Acts

In furtherance of the conspiracy and to accomplish its purpose, at least one of the conspirators committed or caused to be committed in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. On or about November 30, 2005, YARIEL ITURRIAGA-VALDEZ and REYNALDO PEREZ-TOLEDO traveled in United States territorial seas aboard a thirty-two (32)-foot vessel bearing Florida registration FL8635MZ, containing Cuban national JORGE REYES-GALINDO and three (3) other Cuban aliens.

2. On or about November 30, 2005, ARIEL FERNANDEZ ALONZO traveled in United States territorial seas aboard a twenty-nine (29)-foot vessel bearing Florida registration FL9819HJ in the immediate vicinity of the vessel set forth in overt act one (1).

3. On or about December 22, 2005, YARIEL ITURRIAGA-VALDEZ and HEYTER LANDIN-HERNANDEZ departed from Lower Matecumbe Key, Florida aboard a thirty (30)-foot vessel bearing Florida registration FL0128EW.

4. On or about December 22, 2005, YARIEL ITURRIAGA-VALDEZ and HEYTER LANDIN-HERNANDEZ traveled to Cuba aboard a thirty (30)-foot vessel bearing Florida registration FL0128EW.

5. On or about December 27, 2005, YARIEL ITURRIAGA-VALDEZ and HEYTER LANDIN-HERNANDEZ traveled in United States territorial seas aboard a 30-foot vessel bearing Florida registration FL0128EW, containing Cuban national JORGE REYES-GALINDO.

6. On or about April 26, 2006, YARIEL ITURRIAGA-VALDEZ and JORGE REYES GALINDO departed Cuba on a thirty-two (32)-foot vessel bearing Florida registration FL9438NC, containing Cuban nationals.

7. On or about April 27, 2006, YARIEL ITURRIAGA-VALDEZ and JORGE REYES GALINDO traveled on the high seas on a thirty-two (32)-foot vessel bearing Florida registration FL9438NC, containing approximately 35 Cuban nationals.

8. On or about April 26, 2006, ARIEL FERNANDEZ ALONZO traveled in United States water on a thirty-three (33)-foot vessel bearing Florida registration FL0293MR.

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

COUNTS 2-5

(Encouraging and Inducing Aliens to Enter the United States)

On or about November 30, 2005, upon the high seas and out of the jurisdiction of any particular State or district, and elsewhere, with Monroe County in the Southern District of Florida being the district where the offender was first brought, the defendants,

**YARIEL ITURRIAGA-VALDEZ,
REYNALDO PEREZ-TOLEDO,
and**

ARIEL FERNANDEZ-ALONZO,

did knowingly encourage and induce aliens, as set forth in Counts 2 through 5 below, to come to and enter into the United States, knowing and in reckless disregard of the fact that such coming to and entry would be in violation of law:

<u>Count</u>	<u>Alien</u>
2	Jorge Reyes Galindo
3	Jose Castaneda Bonome
4	Robert Delgado
5	Mitchell Riso

In violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv), and Title 18, United States Code, Section 2.

COUNT 6
(Unauthorized Entry into Cuban Territorial Seas)

On or about November 30, 2005, on a vessel of the United States less than 100 meters in length, upon the high seas and out of the jurisdiction of any particular State or district, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

YARIEL ITURRIAGA-VALDEZ
and
REYNALDO PEREZ-TOLEDO,

being the master, officer, person in charge and member of the crew of such vessel, did knowingly and willfully get underway within and depart from U.S. territorial waters and thereafter enter Cuban territorial waters without first obtaining a written permit from the Commander, Seventh Coast Guard District or his designee; in violation of Title 50,

United States Code, Section 192 and Title 33, Code of Federal Regulations, Sections 107.215(a) and 107.230 and Title 18, United States Code, Section 2.

COUNT 7
(Encouraging or Inducing Aliens to Enter Illegally)

On or about December 27, 2005, upon the high seas and out of the jurisdiction of any particular State or district, and elsewhere, with Monroe County, in the Southern District of Florida being the district in which the offenders were first brought, the defendants,

YARIEL ITURRIAGA-VALDEZ
and
HEYTER LANDIN-HERNANDEZ,

did knowingly encourage and induce an alien, **Jorge Reyes Galindo**, to come to and enter into the United States, knowing and in reckless disregard of the fact that such coming to and entry would be in violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv), and Title 18, United States Code, Section 2.

COUNT 8
(Unauthorized Entry into Cuban Territorial Seas)

On or about December 27, 2005, on a vessel of the United States less than 100 meters in length, upon the high seas and out of the jurisdiction of any particular State or district, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

YARIEL ITURRIAGA-VALDEZ
and
HEYTER LANDIN-HERNANDEZ,

being the master, officer, person in charge and member of the crew of such vessel, did knowingly and willfully get underway within and depart from U.S. territorial waters and

thereafter enter Cuban territorial waters without first obtaining a written permit from the Commander, Seventh Coast Guard District or his designee; in violation of Title 50, United States Code, Section 192 and Title 33, Code of Federal Regulations, Sections 107.215(a) and 107.230 and Title 18, United States Code, Section 2.

COUNTS 9-43
(Encouraging and Inducing Aliens to Enter Illegally)

On or about April 26, 2006, upon the high seas and out of the jurisdiction of any particular State or district, and elsewhere, with Monroe County, in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

**YARIEL ITURRIAGA-VALDEZ,
JORGE REYES GALINDO,
and
ARIEL FERNANDEZ-ALONZO,**

did knowingly encourage and induce an alien, as set forth in Counts 9 through 43 below, to come to and enter into the United States, knowing and in reckless disregard of the fact that such coming to and entry would be in violation of law:

<u>COUNT</u>	<u>ALIEN NAME</u>
9	Yankier Perez Acosta Peysi
10	Odalys Garcia Valdez
11	Yualisy Perez Ropue
12	Juvenile Female (K.H.P.)
13	Alain Rodriguez Martinez
14	Nasid Diaz Delgado
15	Yoanny Herrera
16	Roberto Delgado Alonzo

17	Squel Ramon Leivas Perez
18	Ismele Morales Triana
19	Lazaro-Harian Navarro
	Dominguez
20	Maikel Trimito
21	Yoel Acosta Hernandez
22	Yuni Rodriguez
23	Lazano Jose Hernandez
	Sanabia
24	Dalsier Marruno Enriquez
25	Proniel Giniy Perez
26	Alexes Rodriguez Ortega
27	Raul Daniel Amando
28	Yifi Diaz Daniel
29	Anaumi Chavez Cardenas
30	Miguel Angel Enrriguez
31	Alain Iguendo Barrios
32	Amaony Deso Amador
33	Frank Delgado Orillo
34	Yasmany Herrera Rodriguez
35	Maria Isabel Perez Millian
36	Fernando Cabiara Enriguez
37	Leonel Ballestaro Perez

38	Angel Luis Garcia Perez
39	Gustavo D. Diaz Sanchez
40	Yarima Iturriaga Valdez
41	Juvenile Male (Y.C.I)
42	Juvenile Female (O.B.G.)
43	Juvenile Male (D.H.O.G.)

All in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv), and Title 18, United States Code, Section 2.

COUNT 44
(Failure to Heave To)

On or about April 26, 2006, upon the high seas and out of the jurisdiction of any particular State or district, and elsewhere, with Monroe County, in the Southern District of Florida being the district in which the offenders were first brought, the defendant,

YARIEL ITURRIAGA-VALDEZ,

did operate a vessel and knowingly fail to obey an order by authorized Federal law enforcement officers to heave to a United States Coast Guard vessel, in violation of Title 18, United States Code, Section 2237(a)(1).

COUNT 45
(Unauthorized Entry into Cuban Territorial Seas)

On or about April 26, 2006, on a vessel of the United States less than 100 meters in length, upon the high seas and out of the jurisdiction of any particular State or district, with Monroe County in the Southern District of Florida, being the district in which the offenders were first brought, the defendants,

YARIEL ITURRIAGA-VALDEZ
and

JORGE REYES GALINDO,

being the master, officer, person in charge and member of the crew of such vessel, did knowingly and willfully get underway within and depart from U.S. territorial waters and thereafter enter Cuban territorial waters without first obtaining a written permit from the Commander, Seventh Coast Guard District or his designee; in violation of Title 50, United States Code, Section 192 and Title 33, Code of Federal Regulations, Sections 107.215(a) and 107.230 and Title 18, United States Code, Section 2.

CRIMINAL FORFEITURE

a. The allegations of Counts 1 through 43 and 45 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which one or more of the defendants has an interest, pursuant to the provisions of Title 18, United States Code, Section 982(a)(6).

b. Upon the conviction of the offenses alleged in Counts 1 through 5, 7 and 10-46 of this Indictment, defendants YARIEL ITURRIAGA VALDEZ, HEYTER LANDIN-HERNANDEZ, ARIEL FERNANDEZ ALONZO, JORGE REYES GALINDO, and REYNALDO PEREZ-TOLEDO shall forfeit to the United States (1) any property, real or personal, constituting or derived from or traceable to proceeds the person obtained directly or indirectly as the result of the afore stated offenses; (2) any property, real or personal (including conveyance), used in the commission of or used or intended to be used to facilitate the commission of, the afore said offenses.

c. If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants,

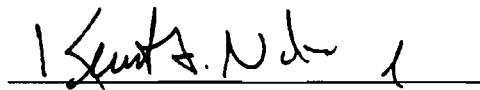
(1) cannot be located upon the exercise of due diligence;
(2) has been transferred or sold to, or deposited with a third person;
(3) has been placed beyond the jurisdiction of the Court;
(4) has been substantially diminished in value; or
(5) has been commingled with other property which cannot be subdivided without difficulty;


it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

All pursuant to Title 18, United States Code, Section 982 and Title 21, United States Code, Section 853.

A TRUE BILL


FOREPERSON


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


JAIME A. RAICH
SPECIAL ASSISTANT UNITED STATES ATTORNEY